

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UMESH HEENDENIYA,)	
	Plaintiff,	
v.)	Civil Action No. 5:15-CV-01238-GTS-TWD
)	
ST. JOSEPH'S HOSPITAL HEALTH CENTER;)	Honorable Glenn T. Suddaby
ROGER GARY LEVINE, MD; LISA MARIE)	(Chief U.S. District Judge)
O'CONNOR, MD; GEORGE O. TREMITI, MD;)	
HORATIUS ROMAN, MD; JOANNE MARY)	Honorable Therese Wiley Dancks
FRENCH, RN; WENDY BRISCOE, RN; SUSAN)	(U.S. Magistrate Judge)
LYNN CATE, LMFT; ROSALINE SPINELLA, RN;)	
ROBERT MICHAEL CONSTANTINE, MD;)	
MITCHELL BRUCE FELDMAN, MD; CYNTHIA A.)	
RYBAK, NP; KATHRYN HOWE RUSCITTO,)	
PRESIDENT and CEO; LOWELL A. SEIFTER, JD,)	
SENIOR VP and GENERAL COUNSEL; MEREDITH)	
PRICE, VP of FINANCIAL SERVICES and CFO;)	
DEBORAH WELCH, VP; GAEL GILBERT, RN, MBA,)	
DIRECTOR; SJHHC DOES 1-5 INCLUSIVE;)	
Defendants.)	

PLAINTIFF'S SECOND NOTICE OF APPEAL
Disability Accommodation from the Court Requested

The *Pro se*, mentally and physically disabled Plaintiff hereby moves the Court to take notice that:

I. REASON FOR NAMING THIS FILING AS THE "SECOND" NOTICE OF APPEAL.

1. On Oct. 25, 2018, the District Court entered Judgment in this case.
2. Thus, *per* Fed. R. App. P. 4(a)(1)(A) and 28 USC §2107, a Notice of Appeal must be filed within 30 days of the entry of the judgment (i.e., from the date Dkt. No. 174 was entered on the docket, which was Oct. 25, 2018).
3. Thirty days from Oct. 25, 2018 falls on Saturday, November 24, 2018. Hence, in actuality, Plaintiff Heendeniya had until Monday, Nov. 26, 2018, to file his First Notice of Appeal.
4. Heendeniya filed his First Notice of Appeal on Sunday, Nov. 25, 2018.
5. Meanwhile, on Nov. 24, 2018, Heendeniya had filed a motion under Fed. R. Civ. P. 59 and

Fed. R. Civ. P. 60(b)(6) requesting relief from the District Court. *See*, Dkt. Nos. 176-183.

6. On Feb. 28, 2019, the District Court entered an order denying Heendeniya the requested relief.
7. Because Heendeniya is proceeding *Pro se*, and thus because he has no law partner, senior associate, or an experienced attorney-colleague to get legal advice or guidance from, to be on the safe side, Heendeniya files this Second Notice of Appeal.

II. NOTICE OF APPEAL.

8. **NOTICE OF APPEAL** is hereby given on Monday, March 25, 2019, in the above entitled case that Plaintiff Umesh Heendeniya, hereby appeals to the United States Court of Appeals for The Second Circuit, the errors of the following order(s), decree(s), or judgment:

- a) The order entered on Feb. 25, 2016 (Dkt. No. 20).
- b) The order entered on Oct. 11, 2016 (Dkt. No. 74).
- c) The order entered on Oct. 28, 2016 (Dkt. No. 84).
- d) The order entered on Jan. 24, 2017 (Dkt. No. 117).
- e) The order entered on March 14, 2017 (Dkt. No. 118).
- f) The order entered on June 19, 2018 (Dkt. No. 172).
- g) The order entered on Oct. 25, 2018 (Dkt. No. 173).
- h) The judgment entered on Oct. 25, 2018 (Dkt. No. 174).
- i) The order entered on Feb. 28, 2019 (Dkt. No. 194).

Respectfully submitted,
Pro se, mentally and physically disabled Plaintiff,

/s/ Umesh Heendeniya
Umesh Heendeniya
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Dated: March 25, 2019.

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